

REYELTS LEIGHTON BATEMAN HYLDEN & STURDEVANT, LTD.

ATTORNEYS AND COUNSELLORS

332 WEST SUPERIOR STREET, SUITE 700
DULUTH, MINNESOTA 55802-1801

TELEPHONE
(218) 727-6833

FACSIMILE
(218) 727-4632

E-MAIL

thefirm@halversonwatters.com

December 3, 2004

(writer's e-mail: reyelts@halversonwatters.com)

Via U.S. Mail and
E-Mail Transmission

Mr. Peter B. Knapp
William Mitchell College of Law
875 Summit Avenue
St. Paul MN 55105-3076

RE: Final Commission Report

Dear Peter:

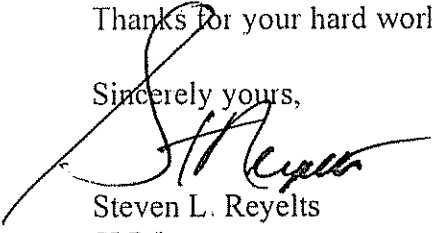
Enclosed is the Final Report of the Pro Bono Committee. We prepared our Preliminary Report about a month ago, but we have been awaiting additional information to include in the Final Report. We apologize for the delay.

The final version of the Report has not been approved by our liaison to the Drafting Committee, Bricker Lavik, but we know you will be working with Bricker in preparation of the Final Commission Report. Please consult with him regarding any modifications which would seem appropriate. (He has *my* full authority to make modifications – for whatever that is worth.)

You have also suggested the Final Commission Report might include some examples of work done for Pro Bono clients. I have passed the word that Programs should submit to you any *vignettes* or examples of client assistance and satisfaction which might add a human touch to the Final Report.

Thanks for your hard work!

Sincerely yours,



Steven L. Reyelts

SLR/jmr

Encs.

C: Justice Sam Hanson
Judge Terri Stoneburner
Susan Ledray
Karen Canon
Bricker Lavik
Jim Baillie
Candee Goodman

STEVEN L. REYELTS*
CHARLES B. BATEMAN
ERIC D. HYLDEN†
SONIA M. STURDEVANT†
RICHARD J. LEIGHTON*
TRACY A. SCHRAMM
NICOLE R. WEINAND
STACY E. JOHNSTON

ANTHONY S. DOWNS
OF COUNSEL

GENE W. HALVERSON
RETIRED

WILLIAM D. WATERS
(1926-1995)

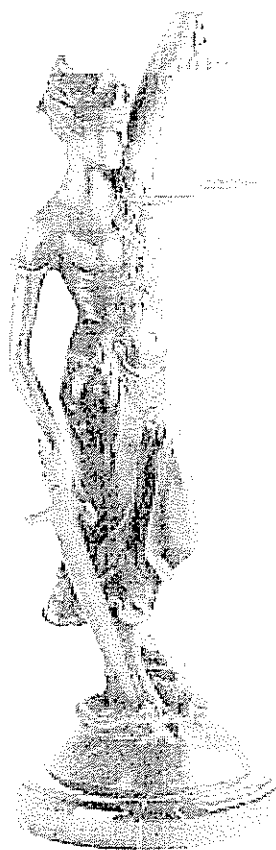
VICKI L. HILL
JODY L. RICHARDS
JENNIFER A. LARSON
PARALEGALS

* ADR NEUTRAL - MN. SUP. CT.
† ALSO ADMITTED IN WISCONSIN

* ALSO ADMITTED IN NORTH DAKOTA

MINNESOTA SUPREME COURT
LEGAL SERVICES PLANNING COMMISSION
PRO BONO COMMITTEE

FINAL REPORT



Steve Reyelts, Chair
Susan Ledray, Vice Chair

Mission, Meetings and Members

The mission of the Pro Bono Committee was to develop information for the full Commission on the current operations of and potential for development of volunteer attorney representation of the disadvantaged throughout Minnesota, and make recommendations on how it may be enhanced both programmatically and with new policies.

The Pro Bono Committee has been chaired by Steve Reyelts. Initially, the vice chair was Judge Paul Nelson. In 2004 the Committee was co-chaired by Susan Ledray. A roster of the Committee members is attached as *Appendix A*. The Pro Bono Committee's meeting dates and locations are attached as *Appendix B*. The Committee's Reports are attached as *Appendix C*.

Lawyers Resources

There are over 23,000 licensed attorneys in Minnesota and over half are members of the Minnesota State Bar Association. There are two independent volunteer attorney programs in Minnesota, which have been recruiting, training, and matching lawyers with eligible clients for over 25 years, the Volunteer Lawyers Network in Hennepin County and the Volunteer Attorney Program in Northeastern Minnesota. Other nonprofit organizations which have substantial volunteer attorney programs that serve eligible clients on specific legal issues related to the nonprofit's mission. Staffed legal aid programs have in-house programs that provide some support to volunteer attorneys in the remaining 81 counties in Minnesota.¹ (A description of these programs is attached as Appendix D)

In 2003/2004, the Minnesota State Bar Association, led by President Jim Baillie, launched a major set of initiatives to strengthen the infrastructure to increase pro bono services, both in the short term and the long term. The Legal Assistance to the Disadvantaged Committee of the MSBA created a ten point plan which included establishing a business law pro bono program with its own staff and funding. A "Call to Honor" challenge was issued initially to the largest law firms and corporate law departments and then to all other lawyers. Pro bono Committees, each led by a member of the judiciary, were established in each of the state's ten judicial districts and they began to recognize outstanding local volunteers. Appeals were made to lawyers in a variety of ways through columns, presentations at CLE programs and other bar events. The use of online facilities by pro bono was improved with the placement of the Pro Bono Directory online at projustice.com and a working group was established to determine the best way to use a number of web resources in the future. The Bankruptcy Section of the MSBA continues to be a national leader by promoting a pro bono program among its members and providing a variety of debtor/creditor and bankruptcy services. New lawyers were recruited at swearing-in

¹ Legal Aid programs that receive Legal Services Corporation funds must spend at least 12.5% on Private Attorney Involvement ("PAI")
Central Minnesota Legal Services has a contract with VLN to provide PAI services in Hennepin County

ceremonies and in their first few years of practice. The bar association continued to work with and support the Minnesota Justice Foundation and its efforts to invite nearly all of law students to pro bono service while in law school. The MSBA's Access to Justice Director position was split into two separate positions with one of these positions to be devoted primarily to assist in pro bono programs. As a result of these efforts during the year, more than 650 new pro bono attorneys were recruited and more than 5,614 additional pro bono clients were served. It is hoped that through the continuing strengthening of these programs and an emphasis on pro bono that even more services will be provided in the future. A copy of a report on a "Call to Honor" is attached as *Appendix E*.

Unmet Client Need

There is a well documented and longstanding unmet need of the disadvantaged for access to justice in Minnesota. The American Bar Association has found that approximately half of all low and moderate income households face at least one civil legal need each year. *Agenda for Access: The American people and Civil Justice, American Bar Association, 1994*. The Association of American Law Schools, in its Equal Justice Project, has found the maldistribution of legal resources was harming what some estimate to be 45-75 million low and moderate income people who have legal problems in which interested and competent lawyers might be of benefit.

The Report of the Joint Legal Services Access and Funding Committee, December 31, 1995, found among other things, that there exists in Minnesota as across the nation, a very serious unmet need for civil legal services for low income persons. It also noted that Coalition programs had to turn away more than 20,000 eligible people in 1994 who actually came to the programs requesting services; many more with critical needs did not even seek assistance.

In Minnesota, the Minnesota Legal Services Planning Commission's Program Delivery Committee, in it's Program Delivery Report, November 6, 2003, reported that Coalition programs served only between 2 - 19% of the estimated legal needs in their respective service areas. Said another way, over 80% of the needs of the disadvantaged for access to justice go unmet.

The Legal Services Corporation has recognized this longstanding problem and has stated.

Despite the success of LSC and its many contributions to equal justice in this country, the need for legal services is still overwhelming. More than 43 million Americans are potentially eligible for LSC-funded services. Yet because of insufficient resources, local legal services programs are forced to turn away the majority of low-income individuals who seek out their help. A benchmark legal needs study conducted in the mid-1990s by the American Bar Association concluded that 80

percent of eligible clients do not secure legal assistance when they are in serious situations in which a lawyer's advice and assistance could make a difference. Since the ABA study's release, more than 15 individual state legal needs studies have reached similar conclusions. LSC is committed to promoting a new vision of legal services that will reverse these statistics and dramatically increase the number of low-income Americans who can access the civil justice system through the provision of quality legal services. Legal Services Corporation, 2000-2001 Annual Report.

Steve Scudder, Director of the American Bar Association's Pro Bono Center, testified before the Commission. In part he stated:

"...it is important that pro bono be an equal partner with the legal services community: pro bono connects LSC programs to the larger community. LSC programs can't provide all services needed; need to bring all resources to bear; visible efforts by private attorneys on behalf of the poor promote public image of everyone involved in serving the poor; pro bono expands the range of services beyond those traditionally provided by LSC programs (e.g., business bankruptcy); broadens the universe of community leaders who support legal services which impacts decision making, for example at state legislatures." "...LSC, in 1974, did a delivery systems study and looked at 35 different programs. The study concluded that a model was viable if it demonstrated feasibility, and did well on cost, quality of service, and impact on client needs, among other things." Legal Services Planning Commission, MSBA Legal Assistance to the Disadvantaged Committee, February 26, 2004, Meeting Notes. The complete summary of Scudder's testimony is attached as *Appendix F*.

After a review of this longstanding unmet need of the disadvantaged in Minnesota for access to justice and the legal service delivery model used in Minnesota, the Pro Bono Committee has determined that a much higher level of support, recruiting and training of volunteer lawyers will significantly improve access to justice in Minnesota.

Recommendations

The following recommendations of the Pro Bono Committee have been adopted by the Commission:

- Pro Bono should be a full partner in the delivery of legal services. A significant expansion of Pro Bono participation is needed to meet the legal needs of our poor. This requires (a) significant increase of funding for the initiation and expansion of new and existing programs; and (b) a recommitment by Minnesota lawyers to satisfy their obligations under Rules of Professional Responsibility 6.1. (Adopted by Commission March 25, 2004).

- We should encourage funding partnerships, discouraging unhealthy competition from funding sources but encouraging cooperation and creativity in seeking funding. We must recognize and affirm the effectiveness of diverse programs and local programs, and recognize the high level of commitment of volunteer attorneys, but encourage coordination of programs and delivery of services on a state-wide basis. (Adopted by Commission March 25, 2004).
 - The Subcommittee recommends that the Commission support establishment of a Pro Bono Council to foster communication among all pro bono programs in the state and encourage the MSBA LAD Committee in its plans to establish such a council. (Adopted by Commission)
 - The Subcommittee supports the annual required reporting of pro bono encourages the MSBA to support this as well (Adopted by Commission, March 25, 2004)
 - The Subcommittee recommends that the MSBA fully and adequately staff pro bono development efforts with at least one FTE professional (in addition to other access to justice staffing) (Adopted by Commission, March 25, 2004).
 - While affirming the importance of pro bono programs at the local level, we should begin to develop additional methods to deliver some pro bono services on a statewide basis, across provider lines in coordination with local programs (Adopted by Commission, March 25, 2004).
 - The Commission recommends a \$75 increase in the attorney registration fee with one-third earmarked for pro bono programs with allocation to be done by the Legal Services Advisory Committee to civil legal services programs serving eligible clients. The one-third for pro bono should be a minimum and not limit pro bono programs' ability to vie for a larger share of the remainder of this proposed increase and any other new sources of funds. It is the intention of the Commission that this not be a funding source for law school programs other than the Minnesota Justice Foundation. The increase would be only \$25 for new and low-income lawyers. The Commission supports the resources necessary to implement required pro bono reporting and recommends that one dollar should be dedicated to covering costs to the Court of implementing required reporting of pro bono. The Commission also should seek MSBA and broad bar support

for this recommendation. (Adopted by Commission, March 25, 2004).

- Given the significant well document cut backs in funds available for civil legal services and continuing very significant unmet need for legal services to address critical legal problems of low-income persons, the Commission urges the legislature to appropriate additional funds for such services in accordance with the existing statutory allocation formula and processes. The Commission further encourages the legislature to look to an increase in the surcharge on real estate filing fees as a funding source for this appropriation.

The Commission notes the nexus between legal services and a surcharge on real estate filing fees, given that major areas of legal problems experienced by low-income persons include homelessness, substandard housing, and lack of affordable housing opportunities. The Commission further understands that the nexus was recognized by the legislature in 1992 and 1993 when the first surcharge was passed. The Commission recommends that an increase to legal aid funding not be lower than \$2 million per year.

1. If a proposal to increase funding goes forward in the 2004 legislature, in the event that additional funding is obtained from the Minnesota legislature and that it is allocated by reference to the 85/15 formula in Minn. Stat. 480.242, that allocation should not be treated as implying an allocation decision by the commission. It is intended that the allocation issue for future appropriations be open for fresh consideration.

2. In the event that such additional funding is obtained and allocated by the 85/15 formula in the statute, the commission recommends to the Legal Services Advisory Committee that as to the 15% of this appropriation increase, the full amount of the increase administered by LSAC be allocated to meritorious applications directed to the delivery or support of pro bono services. (Adopted by Commission, December 18, 2003).

Additionally, members of the Pro Bono Committee participated in a "summit meeting" with representatives of Legal Aid to discuss funding questions and other questions of mutual significance. A letter regarding "Collaboration and Funding" was prepared by Pro Bono Committee member Jim Baillie, setting forth the consensus of this meeting and subsequent discussions. A copy of that Letter is attached as *Appendix G*.

The Future of Pro Bono in Minnesota:

The Committee Members, regardless of their constituency, were united by the common goal of increasing pro bono assistance for those who are disadvantaged, and providing the services in the most efficient manner. The Committee has identified issues to be considered by the Minnesota State Bar Association Legal Aid to the Disadvantaged Committee or the nascent Pro Bono Committee to consider, as follows:

- obtaining and allocating among delivery models cy pres funds; large settlements; pro hac vice fees; greater staffing for statewide resource development;
- sliding fee services to persons between 125-250% of poverty;
- centralized client intake or "hotline";
- expanding partnerships between staffed legal aid and law firms;
- recruit and expand public relations resources both within the bar and with the public about legal services and pro bono.

In the final analysis, the members of the Pro Bono Committee expect the MSBA LAD Committee and the Pro Bono Council to carry on the work which has been begun by this Committee.

APPENDIX

- A. ROSTER OF COMMITTEE MEMBERS
- B. MEETING DATES AND LOCATIONS
- C. COMMITTEE REPORTS
- D. PROGRAM DESCRIPTIONS:
 - 1. VOLUNTEER LAWYERS NETWORK **
 - 2. VOLUNTEER ATTORNEY PROGRAM (DULUTH)
 - 3. CENTRAL MINNESOTA LEGAL SERVICES
 - 4. CHRYSALIS
 - 5. LEGAL SERVICE OF NORTHWEST MINNESOTA
JUDICARE PROGRAM
 - 6. MMLA VOLUNTEER ATTORNEY
 - 7. CHILDREN'S LAW CENTER OF MINNESOTA
- E. "CALL TO HONOR" REPORT **
- F. STEVE SCUDDER TESTIMONY **
- G. COLLABORATION AND FUNDING LETTER

**WILL BE SUPPLIED UPON RECEIPT

APPENDIX A

COMMITTEE MEMBERS

Steven Reyelts, Chair
Susan Ledray, Vice Chair
Jim Baillie
Bob Blatti
Karen Canon
Mary Durand
Candee Goodman
Cathy Haukedahl
Gary Hird
Peter Knapp
Bricker Lavik
Patty Murto
Larry Nicol
Sarah Shella-Stevens
Bill Thompson
Brad Thorsen

APPENDIX B

MEETING DATES AND LOCATIONS

September 11, 2003, MSBA Offices, Minneapolis
October 7, 2003, Fitger's Brewery Complex, Duluth
October 23, 2003 – Minnesota Judicial Center, St. Paul
December 5, 2003 – MSBA Offices, Minneapolis
February 19, 2004
July 9, 2004 – MSBA Offices, Minneapolis
August 27, 2004 – MSBA Offices, Minneapolis
September 21, 2004 – Kitchi Gammi Club, Duluth
October 27, 2004 – MSBA Offices, Minneapolis

APPENDIX C

COMMITTEE REPORTS

September 11, 2003

October 7, 2003

October 23, 2003

December 5, 2003

September 21, 2004

October 27, 2004

**MINNESOTA LEGAL SERVICES PLANNING COMMISSION
PRO BONO COMMITTEE
MEETING OF SEPTEMBER 11, 2003
MSBA OFFICE-MINNEAPOLIS**

MEMBERS PRESENT

Chair, Steve L. Reyelts

Vice-Chair, Paul Nelson

Bob Blatti, Charles Krekelberg, Bricker Lavik, Ed Cassidy (by telephone), Tom Conlin, Candee Goodman, Brad Thorsen, Sharon Fischlowitz, Nancy Kleeman-MSBA, Jim Baillie-Pres. MSBA, Ken Kohnstamm (by telephone), Larry Nicol (by telephone).

BACKGROUND INFORMATION

After introductions were made, Jim Baillie gave a very good historical analysis of Pro Bono services in Minnesota and outlined his Pro Bono initiatives for the upcoming Bar Association year.

Bricker Lavik and Candee Goodman outlined the activities of the LAD Committee. Nancy Kleeman described the activities of the Minnesota Legal Services Planning Commission.

EFFECTIVENESS OF CURRENT PROGRAMS

To assist with the overall work of the Planning Commission, this Committee will need to analyze the effectiveness of current programs and make a recommendation as to the place for *Pro Bono* within the overall delivery of legal services within this state.

Bricker Lavik suggested this would be an opportunity for a new and innovative means to provide legal services to those who cannot afford them. This is a good long-term goal. However, before the Commission takes action, we should also address the immediate practical question of how Pro Bono services will fit into the restructuring plan of the Commission. This is a task for the Committee as a whole, and should be high on the Agenda at our next meeting in Duluth.

EXISTING PROGRAMS AND SERVICES

Candee Goodman and Larry Nicol agreed to provide a report regarding existing Pro Bono services around the state, to identify gaps or overlaps in the areas of service and geographically. This can be accomplished in conjunction with the Program and Delivery Committee.

OTHER JURISDICTIONS

Tom Conlin agreed to review what other states have done during the interplay of Pro Bono with other legal services delivery. This will be done in conjunction with the Best Practices Committee.

REQUIRED REPORTING/MANDATORY PRO BONO

Bricker Lavik and Ed Cassidy agreed to provide a report to assist in making a recommendation on required reporting/mandatory Pro Bono.

LAW STUDENT PRO BONO

Sharon Fischlowitz will prepare a report on initiatives for the use of law students for Pro Bono activities, including a possibility of Pro Bono requirements for recent Law School graduates as a condition of admission to the Bar.

PRO SE INITIATIVES

Steve Reyelts volunteered to prepare a survey of current pro se initiatives, including the Hennepin County Pro Se Program and the Volunteer Attorney Program Pro Se Clinics.

OTHER INITIATIVES

The Committee should also consider creative ways for recruitment and retention of volunteer lawyers.

FUNDING

There was no specific discussion of funding, which is probably within the ambit of the Resources Committee.

NEXT MEETING

The next meeting of the Committee will be held in Duluth on Tuesday, October 7, 2003. The meeting will commence at 10:30 a.m. and will last until mid-afternoon, with lunch provided. Steve Reyelts will make arrangements.

FUTURE MEETINGS

The Committee will also meet on the afternoon of Thursday, October 23, 2003, at the Supreme Court Building, following the meeting of the full Commission.

SLR/jmr

MINNESOTA LEGAL SERVICES PLANNING COMMISSION

PRO BONO COMMITTEE MEETING

TUESDAY, OCTOBER 7, 2003

**FITGER'S BREWERY COMPLEX
DULUTH, MINNESOTA**

Committee Members and Guests Present: Steve Reyelts, Judge Paul Nelson, Candee Goodman, Larry Nicol, Melissa Smith, Jim Baillie, Martha Delaney, Judith Sedin, Patty Murto, Susan Utech, Renee Tomatz, Amy Rose. By telephone: Ken Kohnstamm, Michele Garnett McKenzie, Brad Thorsen, Chuck Frundt, Sarah Shella-Stevens, Bricker Lavik, Tom Conlin, Bob Blatti, Ed Cassidy, Nancy Wallrich.

PRESENTATION BY LOCAL LEGAL SERVICES AND PRO BONO PROGRAMS - NORTHEASTERN MINNESOTA AS A MICROCOSM FOR THE STATE: Participants from Northeastern Minnesota were as follows:

LEGAL AID SERVICE OF NE MINNESOTA
Judith Sedin (for Michael Connolly)
VOLUNTEER ATTORNEY PROGRAM
Patty Murto
SAFE HAVEN SHELTER FOR BATTERED WOMEN
Susan Utech
FAMILY INVESTMENT CENTER
Renee Tomatz
INDIAN LEGAL ASSISTANCE
Amy Rose (for Wes Martins)

There was an excellent presentation by each of the representatives of the Northeastern Minnesota programs, with a lively (and lengthy) discussion of the interaction among the programs, the current use of volunteer lawyers, and future opportunities for volunteers and coordination.

PROFILES OF CURRENT PRO BONO DELIVERY SYSTEM: Larry Nicol and Candee Goodman provided excellent background on the types of programs available throughout the state of Minnesota, including some statistics regarding clients served. The Committee also noted the existence of the Legal Services Quick Reference Directory, but also noted there is no definitive listing of all programs throughout the state.

LUNCHEON: The Committee enjoyed a beautiful luncheon from Bennett's by the Lake, sponsored by Downs Reylts Leighton Bateman & Hylden, Ltd. (This is a real incentive for Committee members to attend in person.)

RECOMMENDATIONS TO COMMISSION: The remainder of the meeting was consumed with preparing an outline and draft of the recommendations from our Committee to the full Commission.

The purpose of this exercise was to relate general, philosophical statements, with details and specifics to be filled in later.

Subject to revisions to be suggested by the Committee members, the recommendations are as follows:

1. Pro Bono should be a full partner in the delivery of legal services. A significant expansion of Pro Bono participation is needed to meet the legal needs of our poor. This requires (a) significant increase of funding for the initiation and expansion of new and existing programs; (b) a re-commitment by Minnesota lawyers to satisfy their obligations under Rules of Professional Responsibility 6.1.
2. We must recognize and affirm the effectiveness of diverse programs and local programs, and recognize the high level of commitment of volunteer attorneys, but encourage coordination of programs state-wide through office, clearing house or other entity.

We should encourage funding partnerships, discouraging unhealthy competition from funding sources but encouraging cooperation and creativity in seeking funding.

Judge Nelson and Steve Reylts will accept suggestions as to modifications of the wordings of these drafts, and will present a final version at the October 23, 2003 meeting.

REPORTS ON SPECIFIC PRO BONO INITIATIVES: Because of our ambitious agenda, we were not able to reach these reports prior to the time for adjournment. These will be considered at the next meeting of the Committee:

- | | | |
|----|---|-------------------|
| 1. | Mandatory Pro Bono | Bricker Lavik |
| 2. | Reporting of Pro Bono | Ed Cassidy |
| | | Chuck Krekelberg |
| | | Tom Mielenhausen |
| 3. | Law School Issues | Sharon Fischowitz |
| 4. | Assisted Pro Se | Steve Reylts |
| 5. | Registration Fee Surcharge | Bob Blatti |
| 6. | Open Agenda for other
Creative Initiatives | |

Thank you all for your participation in the Committee Meeting, either in person in Duluth or over the telephone.

Respectfully submitted,

Steven Reyelts
Committee Chair

MINNESOTA LEGAL SERVICES PLANNING COMMISSION

PRO BONO COMMITTEE MEETING

THURSDAY, OCTOBER 23, 2003

**COURTS BUILDING
ST. PAUL, MINNESOTA**

Committee Members Present: Steve Reyelts, Judge Paul Nelson, Candee Goodman, Larry Nicol, Melissa Smith, Martha Delaney, Jim Baillie, Ken Kohnstamm, Brad Thorsen, Chuck Frundt, Bricker Lavik, Bob Blatti. [My apologies to Sarah Shella-Stevens who planned to participate by phone -- I am technologically-challenged].

RECOMMENDATIONS: The Committee finalized the general Recommendations to be submitted to the full Commission. A copy of the final version of the Recommendations and correspondence to Justice Hanson and Judge Stoneburner are attached.

SPECIFIC PRO BONO INITIATIVES: The Committee then briefly discussed the several specific Pro Bono initiatives which were on the Agenda for the prior meeting:

A. MANDATORY PRO BONO/MANDATORY REPORTING: Bricker Lavik gave a very lawyer-like presentation on the issue of Mandatory Pro Bono, including a written report listing the pros and cons of mandatory Pro Bono. Jim Baillie provided some background regarding the ABA's stance on this issue. There was a general consensus that mandatory Pro Bono would not be recommended by the Committee.

Included in Mr. Lavik's report were references to mandatory reporting of Pro Bono, which provided a segue into discussion on that topic. Bricker and Jim Baillie recounted the efforts of the MSBA to have the Supreme Court adopt Mandatory Reporting back in 1999. This was rejected by the Supreme Court, without much comment.

There was a lively discussion on this issue, and the Committee should consider at the next meeting if a recommendation will be made to the full Commission.

B. LAW SCHOOL PROGRAMS: Melissa Smith and Martha Delaney of the Minnesota Justice Foundation enthusiastically reported on the Law School Programs of the Foundation. The MJF works with all four law schools to encourage Pro Bono participation by students. The MJF

recognizes those students who contribute 50 hours of Pro Bono time during their law school careers.

The MJF is working on several pilot projects involving Pro Bono programs. These include a program where law school alumni are paired with students on Pro Bono projects, law firm projects, a shelter project and a clinic with VLN. Melissa described the opportunities for using law students in Greater Minnesota, as well. (Melissa also noted that Candee Goodman would be receiving the top MJF award for Pro Bono at its banquet on the evening of the meeting.)

- C. ASSISTED PRO SE:** Steve Reyelts reported on Assisted Pro Se programs in the state. Materials were distributed regarding the Self Help Centers operated by the Hennepin County District Court. These are managed by Susan Ledray who is a member of the Commission. The Duluth Volunteer Attorney Program's Assisted Pro Se divorce clinic and bankruptcy screening clinic were also described.

Ms. Ledray is chairing a Committee to conduct an exhaustive study of Assisted Pro Se in Minnesota, and we should reap the benefit of that study.

- D. REGISTRATION FEE SURCHARGE:** Bob Blatti suggested a Registration Fee Surcharge as a means of encouraging Pro Bono involvement and increasing funding for Pro Bono programs. Bob's suggestion was that there be a surcharge of \$100 for licensure, but that this surcharge be waived if the lawyer had provided Pro Bono services at a particular level during the preceding year. Jim Baillie gave a history of the "buy-out" option for the proposed Florida mandatory Pro Bono Program. Brad Thorsen also raised the issue of performing Pro Bono work in lieu of CLE courses.

Another option is to include a "check-off" for contribution to Pro Bono programs on the annual Attorney Registration.

JUDICARE: Bob Blatti gave a background of the Judicare Program in Northwestern Minnesota, and the concepts of judicare, in general.

There was considerable discussion regarding the Judicare model, and our final report should include an acknowledgment of these programs and some discussion regarding their efficacy.

PROGRAM PROFILES: Martha Delaney and Melissa Smith have undertaken the task of preparing an exhaustive list of all programs within the State which have a Pro Bono component. This list should be very helpful to many people, and we should include the list in our final report.

REPORT: Aside from our general Recommendations, we should prepare a Report to the full Commission at the conclusion of the process. This could include recommendations, but should certainly include the discussions we have undertaken regarding various topics.

Judge Nelson raised the issue of funding and programs in areas where there are very few private lawyers. Jim Baillie again raised the apparent low percentage (perhaps as low as 3%) of total legal services budgets which are earmarked for Pro Bono initiatives.

Perhaps there is a volunteer or volunteers who are willing to begin preparing a draft of the Report. (How about something with a background as an English teacher?)

NEXT MEETING: My suggestion is we hold the next Committee meeting on Friday, December 5, beginning at 3:00 p.m. at the MSBA offices. (The MSBA Board of Governors is meeting earlier that afternoon at the CLE Center.)

Respectfully submitted,

Steven Reyelts
Committee Chair

MINNESOTA LEGAL SERVICES PLANNING COMMISSION

PRO BONO COMMITTEE MEETING

FRIDAY, DECEMBER 5, 2003

**MSBA OFFICES
MINNEAPOLIS, MINNESOTA**

Committee Members Present: Steve Reyelts, Candee Goodman, Larry Nicol, Melissa Smith, Chuck Frundt, Michele Garnett McKenzie, Tom Conlin and Michael Friedman (Legal Rights Program). By telephone, Judge Paul Nelson, Doug Meslow, Sarah Shella-Stevens.

ROLE OF PRO BONO IN RECONFIGURATION PLAN: Judge Nelson reported on the Commission meeting of November 20, 2003. He explained the meeting largely involved discussing the options for reconfiguration. He noted the discussion did include mention of the importance of Pro Bono services by private attorneys.

The Committee has resolved to keep Pro Bono at the forefront of the thoughts of the Commission. Steve Reyelts will be in contact with Leanna Gibson, the LSC Consultant, prior to the next meeting of the Commission of December 18, 2003, to again stress the importance of Pro Bono in the overall scheme, and to see if she has any insights on to what other states have done with regard to the Pro Bono component of its Plan.

LAD COMMITTEE: Candee Goodman gave a report on the activities of the LAD Committee:

The LAD Committee will be meeting later in December.

Included among the activities of LAD will be the compiling of information regarding various Pro Bono programs around the state. This Committee should coordinate with LAD to obtain this information. It is important that we have a complete directory of Pro Bono and Legal Services programs.

MSBA POSITION: The Committee agreed to support continuation of (and perhaps expansion of) the Pro Bono Development Position of the MSBA currently held by Nancy Wallrich. A copy of the job description is attached.

There was also discussion about a permanent fulltime position for a State Director of Pro Bono Development. There was some thought that this might be a function of the Courts, and this is something we should be exploring at our future meetings.

STATE PLANNING BODY: Tom Conlin cited the experience of the State of Washington in establishing a State Planning Body, and there was a feeling we should be researching what other states have done with regard to this issue.

Melissa Smith will meet with Peter Knapp of the Programs and Delivery Committee to see what information can be developed through that Committee.

Steve Reyelts will be in contact with Steve Scudder of the ABA Center for Pro Bono to see if Steve can appear at a meeting of our Committee to discuss the experience the ABA has had with the reconfiguration process in the other jurisdictions. Another good resource may be Tom Maligno of New York, who has been actively involved in State Planning in New York and other states.

NEXT MEETING: The next meeting of the Committee has tentatively been set to be held in conjunction with the Commission Meeting of January 22, 2004.

Respectfully submitted,

Steven Reyelts
Committee Chair

REPORT OF LEGAL SERVICES COMMISSION PRO BONO COMMITTEE

The Pro Bono Committee of Legal Services Commission met in the Breakfast Room at the Kitchi Gammi Club in Duluth on the morning of Tuesday, September 21, 2004.

ATTENDEES: It was greatly appreciated that many of the attendees traveled to Duluth from the Twin Cities, St. Cloud, Mankato and Albert Lea.

The attendees in person were as follows: Gary Hird, Bricker Lavik, Susan Ledray, Patty Murto, Larry Nicol, Sarah Shella-Stevens (and intern Megan Bjerke), Bill Thompson, Brad Thorsen, Jim Baillie, Candee Goodman, Steve Reyelts, Jean "Peanut" Rufer, and Mike Connolly..

Participating by phone were: Karen Canon, Mary Durand and Tom Mielenhausen.

LEGAL AID SERVICE OF NORTHEASTERN

MINNESOTA GRANT: Michael Connolly of LASNEM and Patty Murto of the Duluth Volunteer Attorney Program described the two-year Grant received by Legal Aid in the amount of \$621,799.

This Grant represents a collaboration between LASNEM and the Volunteer Attorney Program. Mike Connolly worked hard in writing the Grant and Patty Murto lobbied and used her ties with Congressman Oberstar's office to secure the Grant.

This is the type of collaboration between Legal Aid and the private Bar programs which is beneficial to those people we are trying to serve.

INTERIM REPORT OF PRO BONO COUNCIL TASK FORCE: Karen Canon, Chair of the Pro Bono Council Task Force provided the Committee with an Interim Report dated September 20, 2004.

Karen described the activities of the Task Force, and discussed at some length the Structure Recommendations.

The Committee unanimously voted to accept and endorse the Recommendations, and to pass them along to the full Commission.

DULUTH

Grant given to Legal Aid Service

The Legal Aid Service of Northeastern Minnesota has been awarded a grant for \$621,799 by the Department of Justice, Congressman James Oberstar announced this week.

"This excellent organization, which is located in Duluth, provides services to victims of domestic violence," Oberstar said in a prepared statement. "Legal Aid Service has been an important part of the community fabric in Northeastern Minnesota since 1952, and it has provided equal access to justice to thousands of low-income individuals, many of whom were abuse victims."

Legal Aid Service intends to use the grant to increase services to domestic violence, sexual assault and stalking victims, Oberstar's office said.

Mike Connolly, executive director of Legal Aid Service of Northeastern Minnesota, couldn't be reached for comment Tuesday.

“WHITE PAPER” ON FUNDING: Bricker Lavik presented the September, 2004 version of his funding “White Paper” fully titled, “Memorandum Concerning Interest on Lawyers Trust Account, Legal Services Advisory Committee, and Legal Service corporation Funding Allocations”. Jerry Lane and Cathy Haukedahl had reviewed an earlier draft, and prepared a “clarification” which was contained in a Memorandum, appended to the “White Paper” as Appendix 8.

A Motion was carried by a majority of the Committee members to pass this along to the full Commission for informational purposes. A minority of three Committee members felt it would be counterproductive to pass along the “White Paper”.

Bricker Lavik will have some copies of the “White Paper” available at the Commission Meeting of September 29 in St. Paul, and arrangements will be made to make the “White Paper” available on the internet.

PROPOSAL FOR ALLOCATION OF FUNDING: Bricker Lavik also presented a preliminary proposal for allocation of funding. This allocation would apply to new funding sources and Bricker indicated it was not the intention of the proposal to reduce the level of funding received by any organizations from LSAC and IOLTA for 2004-2005.

Consideration of this proposal will be a primary topic of discussion for the next (and final) meeting of the Committee.

LUNCHEON: The Committee adjourned for a sumptuous luncheon in the Wisconsin Room at the Club.

FINAL MEETING: The final meeting of the Pro Bono Committee will be held on Wednesday, October 27, 2004, from 9:30 a.m. to 12:00 noon, at the MSBA Offices in Minneapolis.

SUPREME COURT LEGAL SERVICES COMMISSION

PRO BONO COMMITTEE

**MEETING OF WEDNESDAY,
OCTOBER 27, 2004**

**MSBA OFFICES
MINNEAPOLIS, MN**

ATTENDEES:

(Committee Members in Person) Jim Baillie, Bob Blatti, Karen Canon, Mary Durand, Candee Goodman, Cathy Haukendahl, Gary Hird, Bricker Lavik, Larry Nicol, Sarah Shella-Stevens, Brad Thorsen, Susan Ledray, Vice Chair, Steve Reyelts, Chair.

(Committee Members By Telephone) Patty Murto, Bill Thompson

(Others) Jerry Lane

(Others By Telephone) Chuck Frundt, Mike Connolly

DRAFT OF COMMITTEE REPORT: Steve Reyelts prepared an Outline for the Committee Report. Bricker Lavik prepared a preliminary draft of the report with the assistance of Candee Goodman. The preliminary Draft was edited by Karen Canon. A copy of the Draft Report is attached.

Comments and suggestions were made regarding the Report. Mary Durand suggested that other Pro Bono agencies be alluded to in the "Lawyers Resources" section of the Report. Larry Nicol, Sarah Shella-Stevens and Gary Hird suggested that descriptions of the PAI Programs of the LSC Grantees be included as appendices. They volunteered to prepare proposed Appendices and forward them to Bricker Lavik. Brad Thorsen will also be preparing such a description of the VLN Program, as will Patty Murto with the VAP Program in Duluth. These are to be forwarded to Bricker by Friday, October 29.

Bricker will update the draft of the Report, so that we can meet our November 1, 2004 deadline for the Preliminary draft.

PRO BONO FUNDING: A "Summit Conference" was held on Monday, October 25, 2004, to discuss issues of Pro Bono Funding. Among those attending the Committee Meeting, the Funding Conference was attended by Jerry Lane, Jim Baillie, Bricker Lavik and Karen Canon. Jim Baillie reported on this meeting which he said was very productive.

Jim has prepared a proposed letter, memorializing the issues discussed at the meeting, and agreements which were reached. Jerry Lane received the letter from Jim Baillie and has suggestions regarding wording. These will be discussed among those who attended the meeting, and a copy of the final version of the letter will be forwarded to Bricker Lavik, to be included in the final Committee Report.

FINAL REPORT: We have a November 15 deadline for the final version of our Committee Report.

After the additional funding information is received from Jim Baillie and Bricker Lavik, this will be included in the final report. Bricker will circulate a draft of the Final Report to the Committee Members for comment prior to the November 15, 2004 deadline.

FINAL COMMISSION MEETING: There will be no further separate meetings of the Pro Bono Committee. [The work of the Committee will be perpetuated, in part, by the Pro Bono Council Task Force.]

The final Legal Services Commission Meeting will be held at 9:30 a.m. on Wednesday, December 15, 2004.

P.S. to All Committee Members: Thank you very much for your hard work on the Committee over the last year and a half. On both a professional and personal basis, it was great to have come to know all of you better over the past months.

Steve

VOLUNTEER ATTORNEY PROGRAM Duluth, Minnesota

The Volunteer Attorney Program (VAP) in Duluth was established by the American Bar Association in 1981. At that time, the ABA established five pilot pro bono programs involving private attorneys throughout the country and Duluth was chosen to be one of the sites. The program was under the auspices of the Eleventh District Bar Association which includes lawyer/members from Lake, Cook, Carlton and Southern St. Louis Counties. The President of the ABA at the time, Wm. Reece Smith, has maintained ties with the program throughout its existence, watching the program grow and expand services in new and exciting ways.

The VAP became separately incorporated in 1982 and moved its offices to the Torrey Building in Duluth, where it continues to serve low-income people throughout the Region. Since 1984, the VAP office has also served as the corporate office for the Eleventh District Bar Association. The VAP is the official pro bono program of the Eleventh District Bar Association and provides administrative services for the Bar Association. This relationship has helped maintain the support and focus on pro bono delivery of legal services to the indigent people of the area.

When the program began in 1981, 20 volunteer lawyers handled 35 cases per year. By 1982, the Program boasted a participation rate of 82% of the lawyers in private practice in the region, who agreed to handle cases on a pro bono basis. In that year, the VAP received the American Bar Association's prestigious Harrison Tweed Award for excellence in delivering pro bono legal services. Since that time, the participation rate among lawyers in the area has grown to over 90%.

In 1983, the Minnesota State Bar Association pushed for 100% statewide coverage by pro bono programs. The VAP was provided a grant to expand its service area to include Aitkin, Pine, Cass, Crow Wing, Koochiching, and Itasca Counties, as well as Minnesota's Iron Range (Northern St. Louis County). Subsequently, through an agreement with the Legal Aid Service of Northeastern Minnesota, some of these areas were placed under the aegis of Legal Aid. However, the Iron Range and Itasca County programs remained with VAP, since the lawyers there felt more comfortable with a bar-sponsored program.

In addition to the Harrison Tweed Award, the VAP has received other honors. The program has received the State Award of Excellence, presented by Minnesota Governor Rudy Perpich. More recently, the program has received the Duluth-Superior Community Foundation Award for Excellence by Non-Profit Organizations for turning "problems into solutions".

VAP Director Patty Murto has been named the National Pro Bono Coordinator of the Year and has also received an award as the "Working Woman of the Year". She has also served as a consultant for the ABA Visiting Programs in many different states. Past Board President Steve Reyelts received the prestigious Wm. Reece Smith Award at the ABA Equal Justice Conference in Cleveland in 2002.

Since 1983, the VAP has added a mediation component to assist with the needs of clients in the area. The greatest part of this work has been involved in family law cases and issues of parental rights and division of assets.

In 1991, the program added a parental education component to reduce the contested custody caseload in the area. This resulted in a decline of over 50% in contested custody matters handled by the program.

Over the years, the VAP has provided almost \$15,000,000 in pro bono legal services, and serves about 800 clients per year. In 2003, the VAP served over 1,000 clients and provided legal services throughout the region in the amount of \$1,315,000. This was all through the efforts of the volunteer members of the Eleventh District and Iron Range Bar Associations.

The VAP has also produced four television programs on "End of Life Issues" and has sponsored seminars and mediation programs.

The paid staff of the VAP consist of three employees who have over 50 years of service among them. The VAP staff continue to provide valuable services to the local Bar, but have also been involved in the initiation of new and innovative services in the region and on a statewide basis. The program was among the first to implement assisted pro se processes almost ten years ago, and have developed educational models to reduce contested custody case loads, using public access television to educate the community on emerging legal and consumer issues. The program has also recruited and trained volunteers to provide the support services necessary for volunteer lawyers to handle the ever increasing number of family law cases.

The Volunteer Attorney Program in Duluth is highly-respected within the local community, the State of Minnesota, and nationally.

Central Minnesota Legal Services Volunteer Attorney Program

Central Minnesota Legal Services (CMLS) has a vibrant and diverse pro bono program serving low-income clients with a variety of legal needs. In nineteen of its twenty county service area in Central and Western Minnesota, CMLS provides a very successful blended pro bono and staff program. CMLS's Volunteer Attorney program predates its staff program by over a decade. The Volunteer Program has successfully been connecting low income clients to attorneys who donate their time since 1983.

CMLS's Volunteer Attorney Program works closely with its staffed legal services program to provide as broad a range of services to low-income clients as possible. The Volunteer Attorney Program had 215 attorneys donate their professional services in 2003 on a total of 510 cases, one third (33.6%) of which were full representation cases.

Family law cases still constitute about half of the volunteer caseload, given the high client need in that area of law (53%). Recently, significant efforts have been made to capture cases more closely related to those in a private law practice, but also where high client need exists in the low income community. Such expansion has occurred in the areas of consumer law (34%), housing (2.7%), and employment (2.6%). In addition to diversifying the types of cases where attorneys donate their professional services, we have also created new opportunities for attorneys to donate their professional services.

The Stearns County Family Mediation Project is one of those new alternatives. In partnership with the local county court, the private bar and our Volunteer Attorney Program, we now provide free mediation through gender-balanced mediation teams in cases of divorce and parenting time disputes. Attorneys donate their time as mediators, or to represent clients following the mediated agreement.

The Debtor Clinic was created through a partnership with the Bankruptcy section of the MSBA and our Volunteer Attorney Program. This innovative lunch hour program assists clients who are protected from judgment by Minnesota or federal law and still are being aggressively pursued by debt collectors. Attorneys advise clients and correspond with creditors to stop offensive and often illegal collection practices. The clinic has been overwhelmingly successful in connecting clients to accessible legal advice and providing attorneys with an opportunity to donate their time in the midst of their workday. In addition, clients are screened to determine if a bankruptcy is appropriate and if so, the Volunteer Attorney Program provides the client with an attorney to assist with representation in bankruptcy court.

In Hennepin County, CMLS contracts directly with Volunteer Lawyers Network to provide pro bono services.

Chrysalis

Chrysalis is a non-profit multi-service agency that helps women, children, and families in need transform their lives. For over 30 years, Chrysalis has provided legal, chemical health, mental health, education and support, resource and referral, and child care services in the Twin Cities. Chrysalis' mission is to empower women and their families to initiate personal and/or social change.

Since 1977, the Chrysalis Legal Assistance for Women (LAW) Program has offered legal advice clinics, legal information sessions, and referrals focusing primarily on family law and GLBT issues. Timely and accessible legal services at critical life transitions can have tremendous impact on the legal and economic future of women, children, and families. These client services are provided by volunteer family law attorneys who are recruited, trained and supervised by the LAW Program Coordinator (a staff attorney who coordinates services, develops legal materials, and sets program policy).

In 1999, the LAW Program expanded to include the Pro Bono Safety Project which provides representation to low-income battered women and children with a compelling need for representation at Order for Protection hearings in Hennepin and Ramsey Counties. Chrysalis recruits and trains volunteer attorneys, screens clients referred by domestic violence advocates, and provides individual case support and consultation. Safety Project volunteers are primarily civil litigators at private law firms.

In calendar year 2003:

- 638 clients received legal advice and assistance with pro se representation at 242 Family Law and Lesbian Law Clinics held at five metro area sites
- 785 clients attended 72 Legal Information Sessions on divorce, finances, child custody and support, and lesbian legal issues held at four metro area sites
- the Safety Project offered pro bono representation to 34 domestic violence victims
- more than 2,300 clients received referrals to legal service providers and attorneys
- over 31,000 brochures, flyers, and legal resource materials were printed and/or distributed to clients, legal and social service providers, and state and county governments

LAW Program clients reflect Chrysalis' ongoing commitment to underserved populations. In 2003:

- 79% had one or more dependent children and 48% had two or more children (77% reported)
- 42% identified as a single parent (75% reported)
- 24% identified as persons of color (75% reported)
- 22% reported annual household incomes under \$16,000; 38% under \$25,000; and 46% under \$35,000 (97% reported)

The Chrysalis LAW Program has received funding for many years from the Lawyer Trust Account Board, MN State Bar Foundation, Hennepin County Bar Foundation, Ramsey County Bar Foundation, Twin Cities United Way, Legal Services Advisory Committee, other private foundations, law firms and individuals. Initial development of the Safety Project was funded primarily through The McKnight Foundation and with assistance from VISTA volunteers. Chrysalis and other legal service providers have been referring clients to each other for years and coordinating services to meet client needs.

Nevertheless, critical legal needs of low-income clients remain unmet. For example, the Safety Project has significantly increased the number of clients offered representation in 2004 (serving 57 clients through November 15, compared to 34 in 2003), yet 31% of eligible clients remain unrepresented. The Chrysalis LAW Program needs additional funding to provide more pro bono representation, to expand services for clients with limited English proficiency, to assist increasing numbers of pro se litigants in family law cases, and to continue and expand services to meet client needs. The LAW Program has been successful for many years in recruiting and supporting volunteer family law attorneys and has successfully recruited civil litigators to volunteer with the Safety Project.

LEGAL SERVICE OF NORTHWEST MINNESOTA JUDICARE PROGRAM

Legal Services of Northwest Minnesota's (LSNM) Judicare program began with LSNM's inception in 1976. It began as an experiment between the Legal Services Corporation (LSC) and private attorneys in northwest Minnesota to see if private attorneys could adequately deliver services to low income clients there. Private attorneys were invited to enroll in LSNM's Judicare Panel and, eventually, two-thirds of the private attorneys in northwest Minnesota became members.

LSNM Judicare attorneys are paid by LSNM at the rate of \$45.00 per hour, with a set maximum fee for each case. Most cases are funded up to 20 hours. Because cases often take more time than allotted, and because the hourly rate that LSNM pays to private attorneys is 25% - 45% of the attorneys' normal hourly billing rate, LSNM Judicare attorneys contribute over a million dollars in services annually. LSNM's Judicare program substantially more than satisfies LSC's minimum requirement for private attorney involvement that comes with its program funding.

Since private attorneys are evenly dispersed through LSNM's 25,000 square miles, the Judicare system gives its low income clients better access to more attorneys and gives rural clients access to attorneys in their area, eliminating or reducing the problem of transportation faced by many of LSNM rural clients. In addition, the Judicare attorneys are more familiar with local resources and court personnel in their areas.

Because private attorneys do not handle many poverty law issues, such as government benefits and subsidized housing, a staffed legal services program is necessary to provide full service. For LSNM, our legal staff and private attorneys learn from each other and share information and resources. They often provide community education jointly and cross train each other. There is mutual respect in knowing that both are indispensable components in an effective rural service delivery system. LSNM's combination of a staffed and Judicare delivery system takes advantage of the best features of each, and provides good quality service to clients with the most efficient use of limited resources. The Judicare program also keeps the private bar very involved in, and committed to, providing equal access to the justice system for the poor and disadvantaged of northwest Minnesota.

MMLA Volunteer Attorney Activities

MMLA operates: (1) a family law volunteer attorney program in Hennepin County, under which 65 private attorneys accept referrals directly from MMLA, and are trained and assisted by MMLA; (2) the Active Senior Attorney Program, under which five volunteer attorneys each spend _ day per week working at MMLA's Senior Law Project in Minneapolis, and other volunteer provide mediation services; (3) a tax law volunteer attorney program for low-income taxpayers. MMLA's Willmar office also has a .5 volunteer attorney. In addition, MMLA's Housing Discrimination Law Project has a roster of volunteer attorneys willing to accept referrals and/or co-counsel on cases. MMLA's housing attorneys also work with volunteer attorneys from Volunteer Lawyers Network, who assist with MMLA's Hennepin County Housing Court Project; and MMLA's housing attorneys developed and maintain the Minnesota Eviction Manual, which is widely used by volunteer attorneys, legal aid staff and the courts, and is the most frequently used resource on the ProJustice website. MMLA's attorneys in Minneapolis, St. Cloud, and Willmar mentor, train and support volunteer attorneys in a number of practice areas, often in conjunction with other legal services and volunteer attorney programs.

The Minnesota Legal Services Coalition's State Support Center is housed with and supervised by MMLA. The Center is funded by the Coalition and provides training on a regular basis for Coalition program staff, for other organizations' staff, and for volunteer attorneys. This includes hosting the biannual statewide poverty law conference to which both legal services staff and volunteer attorneys are invited. The Center also publishes online a poverty law newsletter for legal services staff, for all programs that receive funding through LSAC and LTAB, and for over 2500 volunteer attorneys throughout the state. In addition, the Center maintains the ProJustice and Law Help websites. The ProJustice website includes a poverty law library of forms, pleadings and other resources for use by volunteer attorneys. The Law help website provides materials for clients, social services agencies, volunteer attorneys, and others who would find its information helpful. The Center also develops community legal education materials for clients in English and other languages.

Children's Law Center of Minnesota

When children believe that what they want matters, they derive a measure of self-respect and validation. Children's Law Center of Minnesota trains, recruits, and consults closely with over 170 volunteer lawyers who represent children. Here is a sample of what our clients say about their lawyers:

"She listens to me, she does not interrupt me when I am speaking; she respects me," Nicole, 14.

"This is the first time someone spoke up for me in court and told the judge what I wanted," Stuart, 13.

"I was so worried you would not take my case; I had no one else to turn to." Brenda, 15.

And for the volunteer lawyers who represent children, they derive satisfaction knowing that they are making children's voices heard in the systems that make life changing decisions for them. As one CLC volunteer lawyer noted: "[I]t is vital to continue to give these children a meaningful opportunity to understand and to influence their own destiny As an attorney for children such as these, I can advise them about the choices and decisions that will affect them, and I can provide them with a voice to express their fears, their needs and their wishes."

Children's Law Center of Minnesota opened for operation in 1995. CLC has a rich history of collaboration with child advocates across Minnesota. CLC's opening was the culmination of eight years' dedicated efforts on the part of attorneys, social workers, youth workers, judges, teachers, pediatricians, and other children's advocates to improve the lives of Minnesota's children.

Children's Law Center of Minnesota's mission is to promote the rights and interests of children, especially children of color and children with disabilities, with the goal of improving the lives of foster care youth. To meet its goals, CLC employs three strategies: (1) training child advocates including volunteer lawyers for children; (2) representation of abused and neglected children; and (3) systemic reform benefiting Minnesota's children. CLC currently has six staff members: the executive director, an executive assistant, two attorneys (one of whom is employed through a fellowship), a social worker, and a development director. CLC also provides internships to undergraduates and law school students.

CLC is appointed by the court to represent children in abuse and neglect proceedings. CLC tracks the cases with the volunteer lawyers and consults closely with the lawyer as the case wends its way through the system.

In 2004, CLC has recruited and retained over 170 volunteer attorneys, and currently represents more than 400 children. CLC recruits volunteer lawyers from law

firms and corporations within the Twin Cities as well as from solo practice. Volunteer lawyers team with the staff social worker to provide multidisciplinary representation. During 2003, CLC's volunteer lawyers gave over 6,900 pro bono hours conservatively valued at over \$690,000 of legal representation.

CLC has played a critical role for the overall welfare of children in the court system through representation and policy and systemic advocacy. CLC was able to lay the groundwork for excellent legal advocacy for children in the court system – the hallmark of CLC's work for children.

Individual lawyers, law firms, the Minnesota State Bar Association, Hennepin County Bar Association and Ramsey County Bar Association also contributed to the success of CLC by co-sponsoring CLC's training programs, recruiting attorneys, and holding trainings at their law firms, and giving financial support.

Children's Law Center of Minnesota has an annual budget of \$432,943. CLC receives funding from IOLTA and LSAC and from family and community foundation, law firm foundations, and individual donations. CLC also has an annual benefit to raise money for the organization.

Fredrikson

B. BYRON P.A.

November 19, 2004

Bruce Beneke
Southern Minnesota Regional Legal Services
166 East 4th Street, #200
St. Paul, MN 55101

Jeremy Lane
Legal Aid Society of Minneapolis, Inc.
430 First Avenue North
Suite 300
Minneapolis, MN 55401

Sally Scoggin
Briggs and Morgan, P.A.
2200 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101-1396

Joseph T. Dixon
Henson & Efron, P.A.
220 South Sixth Street, Suite 1800
Minneapolis, MN 55402-4503

Bricker L. Lavik
Dorsey & Whitney LLP
50 South Sixth Street
Suite 1500
Minneapolis, MN 55402-1498

Karen Canon
U.S. Bank National Association
U.S. Bancorp Center
800 Nicollet Mall
Minneapolis, MN 55402-4302

Thomas C. Mielenhausen
Lindquist & Vennum, P.L.L.P.
4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2274

Edward Q. Cassidy
Felhaber, Larson, Fenlon & Vogt, P.A.
444 Cedar Street
Suite 2100
St. Paul, MN 55101-2136

RE: Collaboration and Funding

Dear All:

Thank you all for meeting (Ed by telephone) on October 17. It was valuable to get together and talk about the immediate matter of funding allocations for pro bono now pending in the Pro Bono Committee of the Legal Services Planning Commission and to address those issues which could divide us - a vision for the future of the delivery of services and funding - so that we can better work together.

Attorneys & Advisors	200 South Sixth Street
main 612.492.7000	Suite 4000
fax 612.492.7077	Minneapolis, Minnesota
www.fredlaw.com	55402-1425

OFFICES: Minneapolis London AFFILIATES: Mexico City Warsaw Montreal Toronto Vancouver

November 19, 2004
Page 2

In this letter, I will try and attempt to summarize the basic principles arising out of this meeting

1. Funding. The pro bono advocates will withdraw their more aggressive requests for more funding for pro bono and support the following proposal. In the event of (1) an increase in attorney registration fees of \$75 with at least one-third committed to pro bono and (2) an increase in the legislative appropriation of approximately \$3.5 million with the 15% that would be distributed through LSAC to go to meritorious applications directed to the delivery or support of pro bono services, the additional funding for pro bono throughout the state would be approximately \$1 million. We agreed to this approach. While we did not discuss specific uses of funding in detail, I believe that we all understand that applications will be made for funding through the MSBA for a high level Pro Bono Director and increased funding to the independent pro bono programs.¹ We also understand that the LAD Committee, the Pro Bono Council or other groups are likely to develop and seek funding for new statewide pro bono delivery model. Any such model will be addressed by all of us with an open mind and in good faith.

We expect the increased level of income for pro bono will continue into the indefinite future. If that increased funding level is achieved, we believe that it would likely obviate the need to consider further revising the statutory funding allocation formula in the near future. If that increased funding is not achieved, we will meet again to discuss other funding options. If there are increases from these two sources or other funding sources not encompassed in this consensus, that would merit further discussions. All of this is subject to the understanding that the statewide delivery system as a whole and each delivery model and each individual program should be evaluated periodically on standards, which we should work together to develop, including the quality of the services, the cost-effectiveness of the delivery of the services, the type and priorities of client needs met, and their contribution to an overall statewide delivery system.

2. Collaboration. Consistent with the idea that pro bono would be a full partner in the delivery system and that a collaborative effort is best, we will all attempt to discuss basic questions of visions for the delivery of legal services, structure and funding on a collaborative and forward-looking basis rather than having different parts of the system heading off on their own with important discussions after the fact.

3. Annual meetings. We will attempt to have at least an annual meeting at a key time of the year. The meetings would include several Coalition representatives and a similar number of those who are most actively involved or have the longest history with the pro bono programs to make sure that we stay in touch, and that we are able to talk frankly about issues to implement the collaboration described in the collaboration section above.

¹ As Chair of LSAC, Sally Scoggin abstained from this section and notes the need for discussion at LSAC.

November 19, 2004

Page 3

4. Keystone Committee. The Commission is currently addressing structure and seems to be likely to recommend a small committee (Keystone Committee) to meet on a regular basis and a larger group to meet on a less frequent basis. We will all work together to try and make this concept work and to see that the Keystone Committee, LAD, or such alternative as is proposed by the Commission, is a place where we can implement the collaboration. We will try and make it a place where we can work by consensus rather than using it as an effort to obtain control. The Keystone Committee should include a good representation from the Coalition, but there also needs to be a good representation from other parts of the system, including pro bono, judicare and other legal services providers. It may be that if the Keystone Committee works well, the annual meeting described above will not be necessary, but we will not dispense with that annual meeting until the Keystone Committee or discussions at LAD or an alternative are well rooted and actually accomplishing the collaboration.

5. Pro Bono Council. We will all work to support the Pro Bono Council and the concepts behind a Pro Bono Council. Those who are actively involved in delivery of pro bono services will work together to enhance the pro bono part of the system. We will work on a vision which includes exploring ways to distribute pro bono services on the most effective basis throughout the state. We recognize that such a statewide pro bono effort will require significant funding. We are committed to working together in good faith to explore what can be accomplished along these lines, recognizing that this effort would need to be evaluated as described above.

Based on the email exchange that led up to finalizing this letter, I believe that it is clear that, but for the part as to which Sally Scoggin abstains, we all agree with this letter.

Thank you again for a very productive meeting and I look forward to working with you in the future.

Very truly yours,



James L. Baillie
Attorney at Law

Direct Dial: 612.492.7013
Email: jbaillic@fredlaw.com

JLB:sc
#30338545-16106 0101